

REMARKS

The Office Action of June 9, 2009, has been carefully studied. Claims 17, 20 and 26-32 currently appear in this application. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration and formal allowance of the claims.

Claim Amendments

Claim 17 has been amended by incorporating into claim 17 the subject matter of claims 19, 21 and 22. Claim 17 has been further amended to include the limitation that the composition is "free of gluconic acid." All of the compositions in Examples 1-9 of the instant specification are free of gluconic acid. Moreover, the specification at page 9, lines 14-20, states that the composition comprises substantially L-ascorbic acid and fatty acids and optionally one or more ingredients selected from materials for food products, health foods, foods for special use, cosmetics, pharmaceuticals, quasi-drugs (medicated cosmetics), feeds, baits and pet foods. The specification from page 9, line 20 to page 11, line 9, enumerates optional ingredients that may be contained in the claimed composition. There is no mention of gluconic acid.

Claims 18, 19 and 21-25 have been cancelled. Claim 26 has been amended to depend from claim 17, as claim 24 has been cancelled. Claim 28 has been amended to delete a redundant period.

New claims 31 and 32 have been added. These claims are drawn to a composition for enhancing collagen production and correspond to the limitations of claims 17 and 26, respectively.

Rejections under 35 U.S.C. 112

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

As the present amendment cancels claim 24, this rejection is now moot.

Claims 21, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claims 21, 22 and 24 have been cancelled by the present amendment, this rejection is now moot.

Art Rejections

Claims 17-25 and 27-30 are rejected under Miyata et al., JP 2003/171290 as evidenced by Takimoto et al., JP 10-147514 or Yonekura

et al., JP 09-15928. The Examiner states that Miyata discloses a method for producing collagen production potentiator capable of continuously exhibiting the action of potentiating collagen production using a composition comprising L-ascorbic acid and royal jelly as the active ingredients. The Examiner further states that royal jelly inherently contains 1-hydroxy-2-decenoic acid as evidenced by the disclosures of Takimoto and Yonekura.

This rejection is respectfully traversed.

Claim 17 has been amended to recite a method for enhancing collagen production comprising administering a composition comprising (i) a saccharide derivative of L-ascorbic acid and (ii) one or more members selected from the group consisting of 10-hydroxy-2-decenoic acid, 10-hydroxydecanoic acid, decanoic acid, 2-decenoic acid and sebacic acid to a living body. The composition is free of gluconic acid.

In contrast to the herein claimed method, it is clear that the Miyata composition contains gluconic acid because the composition contains royal jelly and gluconic acid is one of the ingredients of royal jelly. (Please see paragraphs [0021] and [0022], and in particular Table 1 of Miyata.). It is clear that the method of claim 17 is not anticipated by

Miyata, because the composition used in the herein claimed method does not contain gluconic acid, one of the components of royal jelly.

Claim 17 recites a method using a composition that does not contain royal jelly. Royal jelly is a natural substance and therefore contains various substances, such as those that cause unpleasant odors, those that tend to induce allergic reactions, those which color a composition, etc.

The present inventors have succeeded in identifying what compounds in royal jelly are effective in enhancing the collagen production of a saccharide derivative of L-ascorbic acid. It is respectfully submitted that the composition used in the claimed method is superior to the composition disclosed by Miyata, because the herein claimed composition does not contain royal jelly, but only the active ingredients thereof. Therefore, there are no extraneous substances present in the composition that might cause malodors, discoloration of the composition, or allergens.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyata as evidenced by Takimoto or Yonekura by themselves or further in view of Nanbu, JP 2001-150656. The Examiner states that Nanbu teaches cosmetic compositions having collagen synthesis accelerating effect that have excellent stability and provide cosmetic

excellence in preventing wrinkles, and that the composition comprises an ascorbic acid derivative and hyaluronic acid.

This rejection is respectfully traversed.

Claim 26 has been amended to depend from claim 17, and includes compounds in addition to those recited in claim 17. As noted above, claim 17 is clearly distinguishable from what is disclosed in Miyata, and there is nothing in Miyata that teaches that one or more members selected from the group consisting of 10-hydroxy-2-decenoic acid, 10-hydroxydecanoic acid, decanoic acid, 2-decenoic acid and sebacic acid can be effective in enhancing collagen production by a saccharide derivative of L-ascorbic acid.

Nanbu adds nothing to Miyata, because Nanbu merely discloses the combination of L-ascorbic acid and hyaluronic acid.

Claims 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Nanbu conjoined with Simon et al., JP 09-030921 and further combined with Yonekura.

This rejection is respectfully traversed.

There is nothing in either Nanbu or Simon that teaches that one or more members selected from the group consisting of 10-hydroxy-2-decenoic acid, 10-hydroxydecanoic acid, decanoic acid, 2-decenoic acid and

sebacic acid are effective in enhancing collagen production by a saccharide derivative of L-ascorbic acid.

The Examiner states that Simon teaches a composition for treating dermal stains or aging by using specific derivatives of L-ascorbic acid. However, there is nothing in Simon that teaches that one or more members selected from the group consisting of 10-hydroxy-2-decenoic acid, 10-hydroxydecanoic acid, decanoic acid, 2-decenoic acid and sebacic acid are effective in enhancing collagen production by a saccharide derivative of L-ascorbic acid.


It is clear that Simon adds nothing to the combination of Nanbu and Yonekura. Accordingly, it is respectfully submitted that claim 17, and claims dependent therefrom, are not obvious over the combination of Nanbu, Yonekura and Simon.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Appln. No. 10/574,934
Amendment dated September 2, 2009
Reply to Office Action dated June 9, 2009

Respectfully submitted,

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